

REMARKS

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4).

Claims 1-5 are rejected under 35 U.S.C. 103(a).

Claim 10 is rejected under 35 U.S.C. 103(a).

Claims 11-12 are rejected under 35 U.S.C. 103(a).

Drawing Objection

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters have been used to designate different parts. Replacement and Annotated drawing sheets 2/8 and 4/8 are included with this response. In addition, amendments have been added to the specification to insure that the same reference character is not used to designate different parts.

In addition, paragraph 0026 of the specification has been amended to correct numbering errors so the specification will correspond to the drawings.

35 U.S.C. 103

Reconsideration is respectfully requested of the rejection of claims 1-5 under 35 U.S.C. 103(a) as being patentable over Kostroun et al., U.S. 3,645,479, in view of Ploeger, U.S. 4,058,185. The present invention, as claimed in claims 1-5 as amended, is directed to a wheel end assembly rotatable on an axis of a vehicle and having a high temperature warning system for giving a warning in the event that the temperature in the assembly and axle reaches a predetermined value or a brake related failure.

The reference to Kostroun et al. discloses a temperature sensing valve on an aircraft tire which will release the air pressure in the tire and activate a warning device when a predetermined temperature level is sensed. This system does not monitor the temperature of the aircraft bearings or axle.

The cited reference to Ploeger discloses an automatic lubricator for wheel bearings having a heat responsive member and an end cap to release lubricant in response to high lubricant temperature and provide an indication of that release.

First it is submitted that the references of Kostroun and Ploeger cannot be combined to teach the claimed invention as a whole. The references are directed to different problems, use different structures and provide different results.

Independent claim 1 recites that an air pressure supply is positioned inside the axle and connected to a pressure source on the vehicle. Neither of the cited references disclose this structure. Additionally, the normally closed valve is connected to the axle between the inside and outside of the pressure supply. Again, neither of the references disclose this structure. Furthermore, the heat sensitive control which actuates the valve is mounted on the axle for measuring the temperature of the assembly and axle. Therefore, the present invention, as now claimed, recites a different structure, operation and result from the cited references or any combination thereof.

Dependent claims 2-6 are patentable for the same reasons given in connection with claim 1.

Reconsideration is respectfully requested of the rejection of claim 10 under 35 U.S.C. 103(a) as being unpatentable over Kostroun et al., U.S. 3,645,749, and Ploeger, U.S. 4,058,185, and further in view of Ingram (U.S. 6,105,645). Ingram discloses the automatic tire system recited in claim 10, but claim 10 is patentable for the same reasons given above in connection with his dependency on claim 1. Furthermore, claim 10 recites the combination of an automatic tire inflation system and high temperature warning system, both of which use an air supply in the axle. No such combination is taught by the references.

Reconsideration is respectfully requested of the rejection of claims 11-12 under 35 U.S.C. (103 (a)) as being unpatentable over Naedler (U.S. 6,401,743) in view of Kostroun et al. (U.S. 3,645,479). Claims 11 and 12 are directed to the combination of an automatic tire inflation system and a high temperature warning system having a hollow axle connected to an air pressure supply, a normally closed valve between the inside and outside of the axle in connection with the air in the axle, and a heat sensitive control mounted on the axle for

measuring the temperature of the wheel assembly and axle and connected to a warning system. Naedler is directed to an automatic tire inflation system and is directed to a pneumatic valve for controlling the air to the system. This patent has nothing to do with temperature warning or temperature measuring and is only directed to controlling the air pressure to the tire. Therefore, Naedler cannot be combined with a temperature measuring system. Furthermore, Kostroun does not disclose the recited temperature warning structure of a heat sensitive control mounted on the axle for measuring the temperature of the wheel assembly and axle. Nor is the combination of an automatic tire inflation system and high temperature warning system both of which use an air supply in the axle suggested by the references.

CONCLUSION

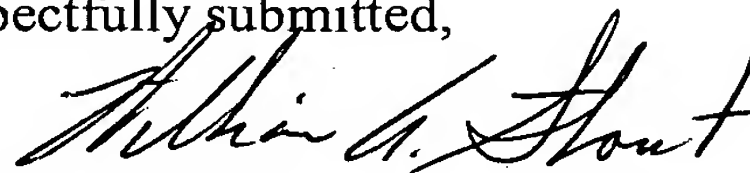
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance including the withdrawn claims which are all dependent upon an allowable generic claim.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02832US0 from which the undersigned is authorized to draw.

Dated: 7/29/2004

Respectfully submitted,

By



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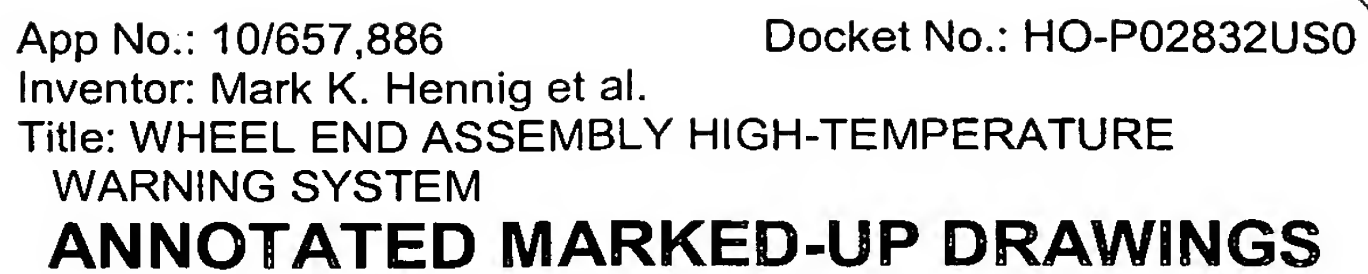
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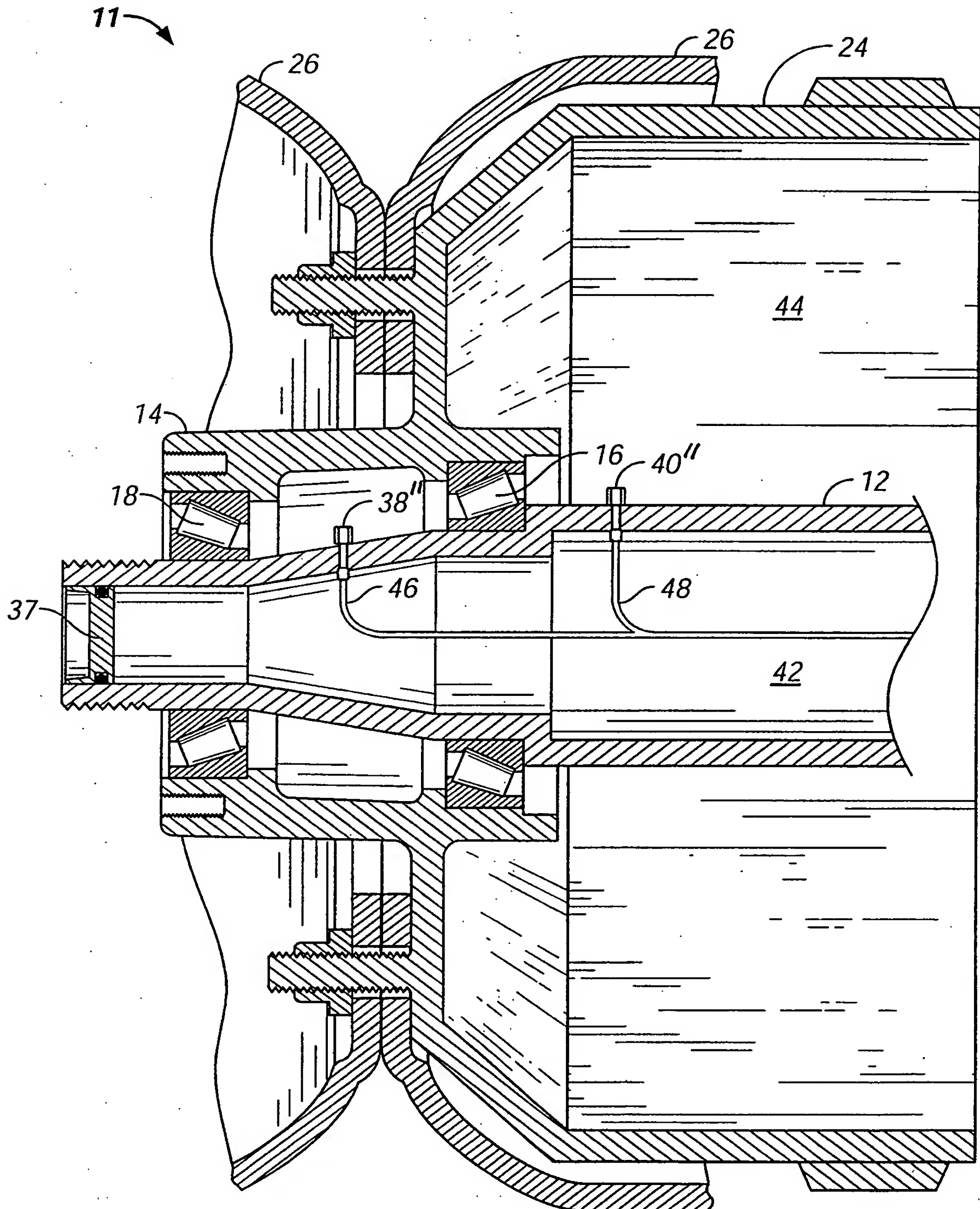
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Attachments

**FIG. 2**

ANNOTATED MARKED-UP DRAWINGS

4/8

**FIG. 4**